

REMARKS

This application has been reviewed in light of the Office Action dated June 26, 2009. Claims 1-7, 9-16, and 18-27 are presented for examination, of which Claims 1, 10, 20 and 23 are in independent form. Favorable reconsideration is requested.

Claim 1 is directed to a method of transcoding digital data coded according to a first coding mode into digital data coded according to a second coding mode. The method includes receiving, from resources, a signal representing a state of the resource and detecting, by a processor, an inactivity of resources based on the state of each resource. The method further includes transcoding, by a transcoder, the digital data coded according to the first coding mode into the digital data coded according to the second coding mode, when the inactivity is detected. The second coding mode includes determining an amplitude model and a path amongst the digital data where the amplitude of the data along the path corresponds to the amplitude model, and coding the path.

In point 3-A of the Office Action, it states that the choice of an amplitude model so as to best represent the amplitude of the samples along the path is not incorporated in the claims and that the portion cited for support does not support that the amplitude model of Claim 1 is chosen so as to best represent the amplitude of the samples (i.e., the data) along the path. Applicants respectfully disagree.

Particularly, Claims 1 and 10 recite "determining an amplitude model and a path amongst the digital data" and "wherein the amplitude of the data along said path corresponds to said amplitude model". Accordingly, Claims 1 and 10 explicitly state that an amplitude

model is determined and that, when the amplitude along the path corresponds to the amplitude model, the amplitude model best represents the amplitude of the samples.

In addition, paragraph 80 of the specification of the present application discloses that "[t]his coding mode comprises the calculation of an amplitude model and the determination of a path amongst the coefficients. The amplitude model supplies an approximation of the amplitude of the coefficients and the path supplies an ordered series of the location of the coefficients". This disclosure clearly describes that an amplitude model is determined that will approximate, i.e., best represent, the amplitude of the samples along the path defining the ordered location of the coefficients.

For at least these reasons Applicants submit there is support in the specification for the presented recitation.

The Office Action further states that there is no support either in the claim or in the specification that a model is possibly selected because the path is not predetermined. Applicants respectfully disagree. Claim 1 recites "determining an amplitude model and a path amongst the digital data wherein the amplitude of the data along said path corresponds to said amplitude model, and coding said path". As the coding mode includes determining the path, the various samples (i.e., data) can be reorganized in an ordered series (i.e., a path) with a high level of flexibility and be associated in correspondence with the determined amplitude model with the same level of flexibility. This allows a limited number of amplitude models to be used.

In stark contrast, if the path is predetermined, as in *Easwar*, the amplitude of the data along this predetermined path is fixed and cannot be associated with one of a limited number of amplitude models. Applicants submit that it cannot be said that *Easwar* teaches a

coding mode including determination of a path by relying on the use of a predetermined path. Indeed, "determining a path" means that an action is taken to determine a path, not just that a known path is used. Nothing in *Easwar* has been found that would teach, suggest or otherwise result in "determining an amplitude model and a path amongst the digital data wherein the amplitude of the data along said path corresponds to said amplitude model, and coding said path," as recited in Claim 1.

On page 3 of the Office Action, it states that "a path determined by an amplitude model is not a claimed limitation and, additionally, *Easwar* disclosed coding the path (i.e., quantized coefficients on the scan path...)" (citation omitted).

As explained above, Claim 1 recites that the path and amplitude model are determined and that the amplitude along the path corresponds to the determined amplitude model. Thus, the path is determined in connection with the amplitude model so that the correspondence of the amplitude along the path with the amplitude model is satisfied. Accordingly, for the reasons discussed above, Applicants respectfully submit that a path determined by an amplitude model is indeed a claim limitation, which is not disclosed in *Easwar*.

Lastly, on page 3 of the Office Action, it equates "coding the path" to "coding quantized coefficients on the scan path." Applicants respectfully submit a path amongst the digital data is completely different from the data itself-- in accordance with their plain and technical meanings. A path amongst the data is supplemental information compared to the data per se. Thus, "coding said path" involves coding this supplemental information. Applicants therefore submit that such supplemental coded information is not taught or suggested in *Easwar*.

Accordingly, for the foregoing reasons as well as the Amendments and Remarks presented in their February 17 and April 24, 2009 Amendments, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claims 10, 20 and 23 include features similar to those discussed above with respect to Claim 1. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

A review of the other art of record has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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